

**TO:** Borough of Sayreville Zoning Board of Adjustment

**FROM:** John Barree, PP, AICP

**RE:** ZBA 20-06 Barsky  
211 MacArthur Avenue  
Block 173, Lot 2.01  
Use Variance, Bulk Variances

**DATE:** May 11, 2020

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As requested, we have reviewed the following materials:

- Survey of Lot 2.01, Block 173 consisting of one (1) sheet prepared by Richard Ruchalski, PLS, dated November 6, 2018.
- Architectural elevation and floor plan, single-family home, consisting of one (1) sheet prepared by Robert Larson, RA, dated February 10, 2020.
- Borough of Sayreville Development Application, dated February 18, 2020.

### **Project Overview**

The applicant is proposing to renovate an existing single-story masonry structure to create a two-bedroom single-family dwelling. The proposal requires a d(1) use variance to permit two single-family residences on one lot in the R-7 Zone. Some modifications are proposed to the exterior of the building to relocate the entrance, add windows, and remove several existing doors. The interior of the building will be converted from the former commercial layout to a typical residential layout. The residential floor plan will include two bedrooms, an open floor plan living, kitchen, and dining area, one full bathroom, and several closets.

### **Site Description**

The subject property is at the intersection of MacArthur Avenue and Canal Street. The lot is a parallelogram 8,109 square feet in area with an angled frontage along MacArthur Avenue. The MacArthur Avenue right-of-way is unusually wide and encompasses the entire front yard and about half the driveway of the subject property and the adjacent lot to the northwest (see map on following page).

The site is developed with a two-story frame structure used as a single-family residence and a one-story masonry structure that was formerly a deli. An approximately 35-foot-wide cement driveway

extends from MacArthur Avenue onto the property and occupies most of the front yard in front of the masonry building. There is a detached 440 square foot garage in the western corner of the property with driveway access from Canal Street.

There is a solid vinyl fence along the southwest property line adjacent to lot 2.02. There is also a short chain link fence that runs along the Canal Street frontage, and a separate chain link fence along the western property line adjacent to Lot 1.



**Zoning**

The property is located in the R-7 Single-Family Residential Zone. The existing single-family residence is permitted. However, the ordinance prohibits multiple principal uses on a single lot in the R-7 Zone. Conversion of the pre-existing non-conforming commercial structure to a second residence on the property requires a d(1) use variance.

<b>R-7 Zone Bulk Standards</b>		
	<b>Ordinance Requirements</b>	<b>Block 173, Lot 2.01</b>
Min. Lot Area	7,500 SF	-
Min. Lot Area (Corner Lots)	8,500 SF	8,109 SF (ENC)
Min Lot Width	75 feet	-
Min. Lot Width (Corner Lots)	85 feet	82.52 feet (ENC)
Min. Lot Depth	100 feet	131.74 feet
Min. Front Setback (MacArthur Ave.)	20 feet	+/- 5 feet (Roofed Porch) (ENC)
Min. Front Setback (Canal St.) (see Section 26-82.2.b)	10 feet	4.85 feet (ENC)
Min. Side Setback (One / Both)	8 feet / 20 feet	8.8 feet
Min. Rear Setback	25 feet	+/- 48 feet
Max. Building Cover	20%	+/- 30% (ENC)
Max. Impervious Cover	45%	+/- 60% (ENC)
Max. Building Height	2.5 Stories / 35 feet	2 stories / < 35'
ENC = Existing Non-Conformity		

<b>Residential Parking Standards</b>
<b>Ordinance / RSIS Requirements</b>
2 Bedroom – 1.5 Spaces
3 Bedroom – 2.0 Spaces
Total Required = 3.5 Spaces (4)

**Borough of Sayreville 2013 Master Plan Review**

The intent of the Master Plan is to retain the existing established pattern of development in the R-7 and other residential zones. The future land use map identifies the subject property for medium density residential uses in the future.

## **Variance Required**

### D(1) Use Variance

- Multiple principal uses on a single property are not permitted in the R-7 zone (Section 26-82.4).

## **Existing Non-Conforming Conditions**

The following conditions have been noted in the application. These are existing conditions, which have existed for decades, so no affirmative testimony is required.

- Insufficient Lot Area – The existing lot is 8,109 square feet in area where 8,500 square feet is required for corner lots in the R-7 Zone.
- Insufficient Lot Width – The existing lot is 82.52 feet in width where 85 feet is required for corner lots in the R-7 Zone.
- Insufficient Front Setback – The existing front setback is approximately 5 feet to the MacArthur Avenue property line and approximately 4.85 feet to the Canal Street property line.
- Excessive Building Coverage – The existing building coverage is approximately 30% where a maximum of 20% is permitted.
- Excessive Impervious Coverage – The existing impervious coverage is approximately 60% where a maximum of 45% is permitted.
- Excessive Accessory Structure Area – The detached garage is 440 square feet in area, where a maximum of 150 square feet is permitted. This is an existing condition.

## **Planning Comments:**

### *Use Variance*

1. This application requires d(1) variance relief to permit two single-family residential uses on a single property where a maximum of one principal use is permitted. The applicant shall provide planning testimony that addresses the positive and negative criteria.
  - a. Positive Criteria – The applicant shall demonstrate that there is a special reason for granting the proposed relief. Testimony should focus on the particular suitability of the site for the proposed use and how the grant of the requested variance may further the purposes of zoning.

- b. Negative Criteria – The applicant shall demonstrate that the proposal would not result in any substantial detriment to the public good and would not substantially impair the intent and purpose of the zoning ordinance and master plan.
- c. The existing condition on the property features two principal uses and the application offers the benefit of eliminating a non-conforming commercial use and replacing it with a permitted residential use.

### *Parking*

- 2. The plans do not indicate how many bedrooms are in the existing residential structure. Assuming there are three bedrooms, a total of four parking spaces are required on site. The applicant should provide testimony about the amount of parking available between the two driveways and the use of the garage on-site.
- 3. Is the intention to assign one driveway to each structure? Will the structures share both driveways and the garage? The applicant should provide testimony explaining the operation / assignment of the parking spaces.
- 4. The large concrete driveway area along the MacArthur Avenue frontage, which serviced the former commercial use has an approximately 32-foot-wide curb cut. A maximum driveway width of 20 feet is permitted in residential zones. In addition, approximately half of this parking area is within the MacArthur Avenue right-of-way.
  - a. Would the applicant be willing to reduce the width of the curb cut and driveway apron along MacArthur Avenue to give the driveway and parking area a more residential feel?

### *Building and Site Design*

- 5. The applicant proposes to relocate the entrance to the new single-family dwelling to the interior of the property near the existing single-family dwelling. This is a narrow area, as the buildings are only about two feet apart at their closest point.
- 6. Having only an interior-facing entrance would create two street-facing building facades without an entrance, which is not a preferred design. Some new windows are proposed along the Canal Street frontage to reduce the extent of the blank street wall.

7. Designing the structure so that it has an entrance facing the street, perhaps with the addition of a front stoop or porch, would give the property a more residential feel and create more consistency with the neighborhood.
8. The applicant should consider cutting the rectangular brick façade facing MacArthur Avenue to match the pitch of the roof on the rest of the building.
9. The elevations of the proposed residential structure do not show building materials or colors. The existing building is painted concrete and does not have a residential feel. The Ordinance (26-96.9.b) states that exposed concrete block is not a permitted material for residential structures. The applicant should provide testimony about any proposed refinishing of the building. A new exterior finish and other design elements could help give the building a more residential feel that is consistent with the neighborhood.
10. There is an existing sign pole and portion of a sign frame in front of the former commercial structure. The applicant should consider removing the sign pole.

#### *Fencing*

11. A chain link fence is located along the Canal Street frontage of the property. The survey does not indicate the height of the fence. The applicant should provide testimony about the height of the existing fence.
  - a. Would the applicant be willing to replace the chain link fence with a different design? The Ordinance (26-82.7.A.4.d) states that chain link fences are not encouraged in residential zones – an open wrought iron fence or other more attractive design would be an improvement.
  - b. If the existing fence exceeds two (2') feet in height it would represent a non-conforming condition.

#### *Sidewalk*

12. The curbing and sidewalk along the MacArthur Avenue frontage were recently improved. The applicant should provide testimony about the condition of the curbing, sidewalk, driveway apron, and driveway along the Canal Street frontage. Are any improvements proposed?



*MacArthur Avenue Frontage*



*Canal Street Frontage*